

REMARKS

This Amendment amends claim 12 to include additional patentable distinctions not found in the cited references.

Applicants respectfully request a reconsideration of the rejections of the claims.

Claim Rejections under 35 U.S.C. §103

Claims 12, 13, 15 and 16 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Stahlecker (WO 91/00826) combined with Goglio U.S. Patent No. 5,285,954. Claim 14 stands rejected under 35 U.S.C. §103(a) as being obvious in view of the Stahlecker reference combined with the Goglio reference and further in view of Crecelius et al., U.S. Patent No. 4,872,571.

Claim 12 has been amended to include patentable distinctions not found in any of these references. That is, amended claim 12 recites that before sterilizing, a section of the closure film is sealed to a thread free area of the threaded ferrule of the reclosable pouring element in such a way that the pouring opening of the reclosable pouring element remains open while sterilizing and until filling of the product into the container. Support for these recitations appears in the specification, for instance, in paragraphs [0023], [0034], [0037], [0038] and [0039].

The Stahlecker reference discloses a method including the steps of connecting the lid (2) to the body (1) in a liquid-tight fashion; connecting the base (3) to the body; sterilizing (Fig. 5) an interior of the container including the pouring opening (5); filling the container with a product (7) through the pouring opening; and closing the container by sealing the closure film (4) onto the pouring element. The closure film (4) has a flat end that is attached to the top of lid (2) and an opposed end that is folded upwardly as shown in Fig. 5.

The Goglio reference discloses a method of making and filling a container in which the lid has a reclosable pouring element (25) that includes the step of applying the cap (26) to the reclosable pouring element. As shown in Fig. 12 and as disclosed in column 7, lines 31-36 of the Goglio reference, the upper cover plate (3) has a central spout (25) with a screw top (26) and a seal, which could consist of a peel-off diaphragm (13), with a tear-off edge (14) positioned at the top of the spout (25).

The Crecelius reference does not disclose a method in which the threaded ferrule includes an unthreaded region in which the closure film is sealed thereto. As taught in column 2, lines 6-14 of the Crecelius reference and as understood by the Applicants, the tamper-proof closure (10) includes a pull tab (11). The tamper-proof closure (10) is sealed to the lip (12) of the pour spout 6 and the pull tab (11) is made to extend downwardly into the axially extending slot or groove (13) so that the screw cap (8) can be applied to the spout (6) after the tamper-proof closure (10) has been sealed to the lip (12) so that the pull tab (11) is not engaged or disturbed by the threads on the interior of the cap (8). As shown in Fig. 3 of the Crecelius reference, the pull tab (11) can be partially pulled away from lip (12) so that the tamper-proof closure (10) can remain on lip (12) while the product is being poured.

Thus, none of these references, taken singly or in combination, disclose, teach or suggest the method now recited in amended independent claim 12, which includes the additional step of before sterilization, sealing a section of the closure film to the thread free area of the threaded ferrule of the reclosable pouring element in such a way that the pouring opening of the reclosable pouring element remains open while sterilizing and until filling the container with the product.

An advantage of this additional step of the claimed invention of claim 12 is that the pouring opening of the container and the closure film of the reclosable pouring element can be sterilized when the interior of the container is sterilized and prior to filling the container with the product. This advantage is at least disclosed in paragraphs [0015], [0016] and [0017] of the specification of the instant application.

Dependent claims 13, 14, 15 and 16 add further limitations to claim 12. These claims are believed to be patentable in view of their dependency on a patentable claim 1.

Furthermore, claims 14, 15 and 16 are believed to be patentable on their own merits. Claim 14 further characterizes that the threaded ferrule includes an unthreaded region and the section of the closure film sealed prior to sterilising is sealed laterally on the unthreaded region of the threaded ferrule. Claim 15 recites that the container with the reclosable pouring element affixed thereto and the closure film sealed on the reclosable pouring element with the pouring opening still open, is inserted into a region delimited by side walls serving as a guide for a sterilizing means in a direction of the container and encloses tightly or with a small tolerance a circumference of the container in a region of the lid having the reclosable pouring element. These steps are shown in Figs. 4-6 of the

Application No. 10/520,673
Paper Dated: July 22, 2008
In Reply to USPTO Correspondence of February 25, 2008
Attorney Docket No. 3988-045995

specification of the instant application. Claim 16 is dependent on claim 15 and further recites that the container with at least the lid having the reclosable pouring element remains in the delimited region during a filling of the container and a liquid-tight sealing of the pouring opening by sealing the closure film on the reclosable pouring element. None of these features recited in method claims 14, 15 and 16 are disclosed, taught or suggested in the cited references when considered singly or in combination.

Conclusion

In view of the above amendments and comments, Applicants submit that claims 12-16 are patentable over the cited references. Reconsideration of the rejections and allowance of the claims in their amended form are respectfully requested.

Respectfully submitted,
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